

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|----------------------------------|---|-------------------------|
| ANGEL ALVAREZ, ALEXANDROS |) | FILED: JUNE 4, 2008 |
| GIAVRIDIS, THEMISTOKLIS |) | 08CV 3237 NF |
| MARMARAS, JOSE L. ROLDAN, |) | JUDGE GOTTSCHALL |
| THEOHARIS SPARTIATIS, |) | MAGISTRATE JUDGE DENLOW |
| GEORGE P. THEOHARIS, and |) | |
| IOANNIS PETROU, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | No.: |
| vs. |) | |
| |) | |
| CHRIST DEMOS and D&G |) | |
| DOWNTOWN, INC., |) | |
| |) | |
| Defendants. |) | |

COMPLAINT

Plaintiffs, Angel Alvarez, Alexandros Giavridis, Themistoklis Marmaras, Jose L. Roldan, Theoharis Spartiatis, George P. Theoharis and Ioannis Petrou, by their attorneys, James X. Bormes of Law Office of James X. Bormes, P.C. and Jeffrey Grant Brown of Converse & Brown, LLC, complain against Defendants Christ Demos and D&G Downtown, Inc., as follows:

INTRODUCTION

1. Defendant D&G Downtown, Inc. (“D&G”) owns and operates a restaurant located on Halsted Street in Chicago, Illinois known as “Costa’s”. Upon information and belief, Defendant Christ Demos (“Demos”) is a major shareholder of D&G. Demos authorized and enforced the improper wage practices about which Plaintiffs complain.

2. Plaintiffs are current or former employees and waiters at Costa’s, and bring this action to recover from Defendants their unpaid regular time compensation, overtime compensation, tips which Defendants wrongfully confiscated from them, liquidated damages, and attorney’s fees

and costs pursuant to Section 6(b) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §216(b), (the “Act” or “the FLSA”), the Illinois Minimum Wage Law, 820 ILCS § 105/1 *et seq.* (the “IMWL”) and the Illinois Wage Payment Collection Act, 820 ILCS § 105/1 *et seq.* (the “IWPCA”).

3. For many years, Defendants have not paid Plaintiffs for all hours worked, including time and a half for hours worked in excess of 40 hours in individual work weeks. Furthermore, Defendants have not complied with the tip credit provision of the FLSA or the IMWL because, among other reasons, Defendants have required Plaintiffs to share a portion of their tips with Defendants.

4. The amount of wages, both regular time and overtime hours, which Defendants failed to pay Plaintiffs is substantial. Costa’s is open from 11:00 a.m. to 11:00 p.m. Sunday through Thursday and from 11:00 a.m. to midnight on Friday and Saturday. Costa’s has customarily employed approximately 10 waiters. Plaintiffs’ pay stubs often reflect they worked about 20 hours per week when they in fact typically worked in excess of twice that amount.

THE PARTIES and JURISDICTION

5. Jurisdiction over this action is conferred on this Court by Section 16(b) of the Act, 29 U.S.C. §216(b), and by the provisions of 28 U.S.C. §1331. The Court has supplemental jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. §1337.

6. Venue is proper in the Northern District of Illinois pursuant to 29 U.S.C. §1391, as Defendants have their principal office, and Plaintiffs’ claims arose, within the geographic jurisdiction of this Court.

7. Plaintiff Angel Alvarez (“Alvarez”) is a resident and citizen of Chicago, Illinois and is

a former employee of D&G.

8. Plaintiff Alexandros Giavridis (“Giavridis”) is a resident and citizen of Chicago, Illinois and is a former employee of D&G.

9. Plaintiff Themistoklis Marmaras (“Marmaras”) is a resident and citizen of Chicago, Illinois and is a former employee of D&G, having been fired in late May, 2008.

10. Plaintiff Jose L. Roldan (“Roldan”) is a resident and citizen of Cicero, Illinois and is an employee of D&G.

11. Plaintiff Theoharis Spartiatis (“Spartiatis”) is a resident and citizen of Chicago, Illinois and is a former employee of D&G, having quit on May 30, 2008.

12. Plaintiff George P. Theoharis (“Theoharis”) is a resident and citizen of Chicago, Illinois and is a former employee of D&G, having been fired on May 23, 2008.

13. Plaintiff Ioannis Petrou (“Petrou”) is a resident and citizen of Chicago, Illinois and is a former employee of D&G, having quit on May 30, 2008.

14. Defendant D&G is an Illinois corporation which owns and operates Costa’s restaurant in Chicago, Illinois.

15. Defendant Demos is, upon information and belief, a major shareholder of D&G.

DEFENDANTS’ IMPROPER WAGE PAYMENT PRACTICES

16. At all times hereinafter mentioned, D&G has been and is an “enterprise engaged in commerce” as defined by Sections 3(r) and (s) of the Act, 29 U.S.C. §203(r) and (s).

17. At all times relevant hereto, D&G employed Plaintiffs to work.

18. D&G is an “employer” as that term is defined by Section 3(d) of the Act, 29 U.S.C. §203(d), Section 3(c) of the IMWL, 820 ILCS § 105/3(c), and Section 2 of the IWPCA, 820

ILCS 115/2.

19. Demos is an “employer” as that term is defined by Section 3(d) of the Act, 29 U.S.C. §203(d), Section 3(c) of the IMWL, 820 ILCS § 105/3(c), and Section 2 of the IWPCA, 820 ILCS 115/2.

20. Plaintiffs worked for Defendants as waiters and were paid on an hourly basis at all times relevant hereto. Plaintiffs earned most of their income through tips.

21. At all relevant times, Plaintiffs have been “employees” of Defendants as defined by Section 3(e) of the Act, 29 U.S.C. §203(e), Section 3(d) of the IMWL, 820 ILCS 105/3(d), and Section 2 of the IWPCA, 820 ILCS 115/2.

22. Defendants had a policy and practice of not paying for all hours worked, including time and a half for hours in excess of 40 hours worked in individual work weeks.

23. Section 203(m) of the FLSA, 29 U.S.C. §203(m), and §105(4) of the IMWL provide that, in computing the minimum wage Defendants owe Plaintiff, Defendants are allowed to treat as wages paid by Defendants tips received by Plaintiffs up to a certain amount (the “Tip Credit”).

24. Section 203(m) of the FLSA, 29 U.S.C. §203(m), further provides that Defendants are prohibited from taking the Tip Credit unless:

[S]uch employee has been informed by the employer of the provisions of this subsection, and all tips received by such employee have been retained by the employee, except this subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

25. Similarly, Section 105(4) of the IMWL provides:

Every employer of an employee engaged in an occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hire purposes is entitled to an allowance for

gratuities as part of the hourly wage rate provided in Section 4, subsection (a) in an amount not to exceed 40% of the applicable minimum wage rate.

The Director shall require each employer desiring an allowance for gratuities to provide substantial evidence that the amount claimed, which may not exceed 40% of the applicable minimum wage rate, was received by the employee in the period for which the claim of exemption is made, and no part thereof was returned to the employer.

26. Beginning on January 1, 2005 and continuing to June 30, 2007, the minimum wage in Illinois was \$6.50 per regular hour and, after taking the maximum Tip Credit allowed, Defendants were allowed to pay their Tipped Employees no less than \$3.90 per regular hour. Beginning on July 1, 2007, the minimum wage in Illinois became \$7.50 per regular hour and, after taking the maximum tip credit allowed, Defendants were allowed to pay their Tipped Employees no less than \$4.50 per regular hour.

27. Defendants are not allowed to take the Tip Credit because they have not allowed Plaintiffs to retain all tips customers paid to them, and because Defendants failed to pay Plaintiffs the correct amount per hour as required by the FLSA and the IMWL.

28. Defendants' failure to pay Plaintiffs for all hours worked, including overtime hours, as well as Defendants' failure to comply with the tip credit provisions of the FLSA constitute willful violations.

COUNT I – FLSA – ANGEL ALVAREZ
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

29. Plaintiff Angel Alvarez realleges paragraphs 1 through 28 as Paragraph 29 of Count I.

30. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff Angel Alvarez to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Angel Alvarez prays that this Court grant him the following relief under Count I: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT II – FLSA – ALEXANDROS GIAVRIDIS
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

31. Plaintiff Alexandros Giavridis realleges paragraphs 1 through 28 as Paragraph 31 of Count II.

32. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff Alexandros Giavridis to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Alexandros Giavridis prays that this Court grant him the following relief under Count II: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT III – FLSA – THEMISTOKLIS MARMARAS
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

33. Plaintiff Themistoklis Marmaras realleges paragraphs 1 through 28 as Paragraph 33 of Count III.

34. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff Themistoklis Marmaras to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Themistoklis Marmaras prays that this Court grant him the following relief under Count III: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT IV – FLSA – JOSE L. ROLDAN
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

35. Plaintiff Jose L. Roldan realleges paragraphs 1 through 28 as Paragraph 35 of Count IV.

36. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff Jose L. Roldan to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Jose L. Roldan prays that this Court grant him the following relief under Count IV: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT V – FLSA – THEOHARIS SPARTIATIS
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

37. Plaintiff Theoharis Spartiatis realleges paragraphs 1 through 28 as Paragraph 37 of Count V.

38. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff Theoharis Spartiatis to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Theohairs Spartiatis prays that this Court grant him the following relief under Count V: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT VI – FLSA – GEORGE P. THEOHARIS
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

39. Plaintiff George P. Theoharis realleges paragraphs 1 through 28 as Paragraph 39 of Count VI.

40. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff George P. Theoharis to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff George P. Theoharis prays that this Court grant him the following relief under Count VI: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT VII – FLSA – IOANNIS PETROU
(Defendants' Failure to Pay for All Hours Worked, Including Overtime)

41. Plaintiff Ioannis Petrou realleges paragraphs 1 through 28 as Paragraph 41 of Count VII.

42. Defendants' policy and practice of not paying for all hours worked, including time and a half for all hours worked in excess of 40 in individual work weeks has caused Plaintiff Ioannis Petrou to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Ioannis Petrou prays that this Court grant him the following relief under Count VII: (a) award him the amount of regular time and overtime wages owed him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT VIII – FLSA – ANGEL ALVAREZ
(Defendants' Improper Taking of Minimum Wage Tip Credit)

43. Plaintiff Angel Alvarez realleges Paragraphs 1 through 28 as Paragraph 43 of Count VIII.

44. Defendants' policy of not complying with the requirements of §203(m) of the FLSA has caused Plaintiff Angel Alvarez to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff Angel Alvarez prays that this Court grant him the following relief under Count VIII: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT IX – FLSA – ALEXANDROS GIAVRIDIS
(Defendants' Improper Taking of Minimum Wage Tip Credit)

45. Plaintiff Alexandros Giavridis realleges Paragraphs 1 through 28 as Paragraph 45 of Count IX.

46. Defendants' policy of not complying with the requirements of §203(m) of the FLSA has caused Plaintiff Alexandros Giavridis to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff Alexandros Giavridis prays that this Court grant him the following relief under Count IX: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT X – FLSA – THEMISTOKLIS MARMARAS
(Defendants' Improper Taking of Minimum Wage Tip Credit)

47. Plaintiff Themistoklis Marmaras realleges Paragraphs 1 through 28 as Paragraph 47 of Count X.

48. Defendants' policy of not complying with the requirements of §203(m) of the FLSA has caused Plaintiff Themistoklis Marmaras to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff Themistoklis Marmaras prays that this Court grant him the following relief under Count X: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XI – FLSA – JOSE L. ROLDAN
(Defendants' Improper Taking of Minimum Wage Tip Credit)

49. Plaintiff Jose L. Roldan realleges Paragraphs 1 through 28 as Paragraph 49 of Count XI.

50. Defendants' policy of not complying with the requirements of §203(m) of the FLSA

has caused Plaintiff Jose L. Roldan to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff Jose L. Roldan prays that this Court grant him the following relief under Count XI: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XII – FLSA – THEOHARIS SPARTIATIS
(Defendants' Improper Taking of Minimum Wage Tip Credit)

51. Plaintiff Theoharis Spartiatis realleges Paragraphs 1 through 28 as Paragraph 51 of Count XII.

52. Defendants' policy of not complying with the requirements of §203(m) of the FLSA has caused Plaintiff Theoharis Spartiatis to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff Theoharis Spartiatis prays that this Court grant him the following relief under Count XII: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XIII – FLSA – GEORGE P. THEOHARIS
(Defendants' Improper Taking of Minimum Wage Tip Credit)

53. Plaintiff George P. Theoharis realleges Paragraphs 1 through 28 as Paragraph 53 of Count XIII.

54. Defendants' policy of not complying with the requirements of §203(m) of the FLSA has caused Plaintiff George P. Theoharis to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff George P. Theoharis prays that this Court grant him the following relief under Count XIII: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XIV – FLSA – IOANNIS PETROU
(Defendants' Improper Taking of Minimum Wage Tip Credit)

55. Plaintiff Ioanis Petrou realleges Paragraphs 1 through 28 as Paragraph 55 of Count XIV.

56. Defendants' policy of not complying with the requirements of §203(m) of the FLSA has caused Plaintiff Ioanis Petrou to be deprived of wages due him in an amount not presently ascertainable.

WHEREFORE, Plaintiff Ioanis Petrou prays that this Court grant him the following relief under Count XIV: (a) award him the amount of regular time and overtime wages owed him, without deduction for the Tip Credit, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XV – FLSA – ANGEL ALVAREZ
(Defendants' Improper Retention of Plaintiffs' Tips)

57. Plaintiff Angel Alvarez realleges Paragraphs 1 through 28 as Paragraph 57 of Count XV.

58. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff Angel Alvarez by requiring Plaintiff to tender some of his tips to Defendants.

59. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff Angel Alvarez has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff Angel Alvarez prays that this Court grant him the following relief under Count XV: (a) award him the amount of tips owed to him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XVI – FLSA – ALEXANDROS GIAVRIDIS
(Defendants' Improper Retention of Plaintiffs' Tips)

60. Plaintiff Alexandros Giavridis realleges Paragraphs 1 through 28 as Paragraph 60 of Count XVI.

61. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff Alexandros Giavridis by requiring Plaintiff to tender some of his tips to Defendants.

62. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff Alexandros Giavridis has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff Alexandros Giavridis prays that this Court grant him the following relief under Count XVI: (a) award him the amount of tips owed to him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XVII – FLSA – THEMISTOKLIS MARMARAS
(Defendants' Improper Retention of Plaintiffs' Tips)

63. Plaintiff Themistoklis Marmaras realleges Paragraphs 1 through 28 as Paragraph 63 of Count XVII.

64. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff Themistoklis Marmaras by requiring Plaintiff to tender some of his tips to Defendants.

65. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff Themistoklis Marmaras has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff Themistoklis Marmaras prays that this Court grant him the following relief under Count XVII: (a) award him the amount of tips owed to him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XVIII – FLSA – JOSE L. ROLDAN
(Defendants' Improper Retention of Plaintiffs' Tips)

66. Plaintiff Jose L. Roldan realleges Paragraphs 1 through 28 as Paragraph 66 of Count XVIII.

67. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff Jose L. Roldan by requiring Plaintiff to tender some of his tips to Defendants.

68. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff Jose L. Roldan has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff Jose L. Roldan prays that this Court grant him the following relief under Count XVIII: (a) award him the amount of tips owed to him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XIX – FLSA – THEOHARIS SPARTIATIS
(Defendants' Improper Retention of Plaintiffs' Tips)

69. Plaintiff Theoharis Spartiatis realleges Paragraphs 1 through 28 as Paragraph 69 of Count XIX.

70. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff Theoharis Spartiatis by requiring Plaintiff to tender some of his tips to Defendants.

71. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff Theoharis Spartiatis has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff Theoharis Spartiatis prays that this Court grant him the following relief under Count XIX: (a) award him the amount of tips owed to him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XX – FLSA – GEORGE P. THEOHARIS
(Defendants' Improper Retention of Plaintiffs' Tips)

72. Plaintiff George P. Theoharis realleges Paragraphs 1 through 28 as Paragraph 72 of Count XX.

73. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff George P. Theoharis by requiring Plaintiff to tender some of his tips to Defendants.

74. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff George P. Theoharis has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff George P. Theoharis prays that this Court grant him the following relief under Count XX: (a) award him the amount of tips owed to him plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXI – FLSA – IOANNIS PETROU
(Defendants' Improper Retention of Plaintiffs' Tips)

75. Plaintiff Ioannis Petrou realleges Paragraphs 1 through 28 as Paragraph 75 of Count XXI.

76. Defendants have a policy and practice of retaining a portion of the tips received and earned by Plaintiff Ioannis Petrou by requiring Plaintiff to tender some of his tips to Defendants.

77. Defendants' policy and practice of retaining a portion of the tips received and earned by Plaintiff Ioannis Petrou has caused Plaintiff to be deprived of an amount of wages earned by him presently not ascertainable.

WHEREFORE, Plaintiff Ioannis Petrou prays that this Court grant him the following relief under Count XXI: (a) award him the amount of tips owed to him plus liquidated damages;

(b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXII – FLSA – THEMISTOKLIS MARMARAS
(Retaliatory Discharge)

78. Plaintiff Themistoklis Marmaras realleges Paragraphs 1 through 28 as Paragraph 78 of Count XXII.

79. Defendants interfered with Plaintiff Marmaras' federally protected rights, by retaliating against him, including terminating his employment, in violation of 29 U.S.C. § 215(a)(3).

WHEREFORE, Plaintiff Themistoklis Marmaras prays that this Court grant him the following relief under Count XXII: (a) award him the amount of regular time and overtime wages he would have earned had Defendants not retaliated against him, plus liquidated damages; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXIII – IMWL – ANGEL ALVAREZ
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

80. Plaintiff Angel Alvarez realleges Paragraphs 1 through 28 as Paragraph 80 of Count XXIII.

81. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

82. Defendants' failure to pay Plaintiff Angel Alvarez the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Alvarez to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Angel Alvarez prays that this Court grant him the following relief under Count XXIII: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXIV – IMWL – ALEXANDROS GIAVRIDIS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

83. Plaintiff Alexandros Giavridis realleges Paragraphs 1 through 28 as Paragraph 83 of Count XXIV.

84. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

85. Defendants' failure to pay Plaintiff Alexandros Giavridis the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Giavridis to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Alexandros Giavridis prays that this Court grant him the following relief under Count XXIV: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXV – IMWL – THEMISTOKLIS MARMARAS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

86. Plaintiff Themistoklis Marmaras realleges Paragraphs 1 through 28 as Paragraph 86 of Count XXV.

87. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

88. Defendants' failure to pay Plaintiff Themistoklis Marmaras the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Marmaras to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Themistoklis Marmaras prays that this Court grant him the following relief under Count XXV: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXVI – IMWL – JOSE L. ROLDAN
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

89. Plaintiff Jose L. Roldan realleges Paragraphs 1 through 28 as Paragraph 89 of Count XXVI.

90. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

91. Defendants' failure to pay Plaintiff Jose L. Roldan the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Roldan to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Jose L. Roldan prays that this Court grant him the following relief under Count XXVI: (a) award him the amount of regular time and overtime wages owed

him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXVII – IMWL – THEOHARIS SPARTIATIS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

92. Plaintiff Theoharis Spartiatis realleges Paragraphs 1 through 28 as Paragraph 92 of Count XXVII.

93. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

94. Defendants' failure to pay Plaintiff Theoharis Spartiatis the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Spartiatis to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Theoharis Spartiatis prays that this Court grant him the following relief under Count XXVII: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXVIII – IMWL – GEORGE P. THEOHARIS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

95. Plaintiff George P. Theoharis realleges Paragraphs 1 through 28 as Paragraph 95 of Count XXVIII.

96. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

97. Defendants' failure to pay Plaintiff George P. Theoharis the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Theoharis to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff George P. Theoharis prays that this Court grant him the following relief under Count XXVIII: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXIX – IMWL – IOANNIS PETROU
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

98. Plaintiff Ioannis Petrou realleges Paragraphs 1 through 28 as Paragraph 98 of Count XXIX.

99. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1337.

100. Defendants' failure to pay Plaintiff Ioannis Petrou the full amount of the minimum wage or time and a half for hours he worked in excess of 40 hours in individual work weeks has caused Plaintiff Petrou to be deprived of an amount due him presently not ascertainable.

WHEREFORE, Plaintiff Ioannis Petrou prays that this Court grant him the following relief under Count XXIX: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on the owed amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXX – IWPCA – ANGEL ALVAREZ
(Defendants’ Failure to Pay Full Minimum Wage and Overtime)

101. Plaintiff Angel Alvarez realleges Paragraphs 1 through 28 as Paragraph 101 of Count XXX.

102. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

103. This count arises from the violation of the IWPCA for Defendants’ failure and refusal to pay Plaintiff Angel Alvarez for all time worked at the rate agreed to by the parties.

104. Defendants did not compensate Plaintiff Angel Alvarez for all hours worked.

105. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

106. Defendants’ failure to compensate Plaintiff Angel Alvarez for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff Angel Alvarez prays that this Court grant him the following relief under Count XXX: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney’s fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXXI – IWPCA – ALEXANDROS GIAVRIDIS
(Defendants’ Failure to Pay Full Minimum Wage and Overtime)

107. Plaintiff Alexandros Giavridis realleges Paragraphs 1 through 28 as Paragraph 107 of Count XXXI.

108. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

109. This count arises from the violation of the IWPCA for Defendants’ failure and refusal

to pay Plaintiff Alexandros Giavridis for all time worked at the rate agreed to by the parties.

110. Defendants did not compensate Plaintiff Alexandros Giavridis for all hours worked.

111. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

112. Defendants' failure to compensate Plaintiff Alexandros Giavridis for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff Alexandros Giavridis prays that this Court grant him the following relief under Count XXXI: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXXII – IWPCA – THEMISTOKLIS MARMARAS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

113. Plaintiff Themistoklis Marmaras realleges Paragraphs 1 through 28 as Paragraph 113 of Count XXXII.

114. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1337.

115. This count arises from the violation of the IWPCA for Defendants' failure and refusal to pay Plaintiff Themistoklis Marmaras for all time worked at the rate agreed to by the parties.

116. Defendants did not compensate Plaintiff Themistoklis Marmaras for all hours worked.

117. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

118. Defendants' failure to compensate Plaintiff Themistoklis Marmaras for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff Themistoklis Marmaras prays that this Court grant him the following relief under Count XXXII: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXXIII – IWPCA – JOSE L. ROLDAN
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

119. Plaintiff Jose L. Roldan realleges Paragraphs 1 through 28 as Paragraph 119 of Count XXXIII.

120. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

121. This count arises from the violation of the IWPCA for Defendants' failure and refusal to pay Plaintiff Jose L. Roldan for all time worked at the rate agreed to by the parties.

122. Defendants did not compensate Plaintiff Jose L. Roldan for all hours worked.

123. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

124. Defendants' failure to compensate Plaintiff Jose L. Roldan for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff Jose L. Roldan prays that this Court grant him the following relief under Count XXXIII: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXXIV – IWPCA – THEOHARIS SPARTIATIS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

125. Plaintiff Theoharis Spartiatis realleges Paragraphs 1 through 28 as Paragraph 125 of Count XXXIV.

126. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

127. This count arises from the violation of the IWPCA for Defendants' failure and refusal to pay Plaintiff Theoharis Spartiatis for all time worked at the rate agreed to by the parties.

128. Defendants did not compensate Plaintiff Theoharis Spartiatis for all hours worked.

129. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

130. Defendant's failure to compensate Plaintiff Theoharis Spartiatis for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff Theoharis Spartiatis prays that this Court grant him the following relief under Count XXXIV: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXXV – IWPCA – GEORGE P. THEOHARIS
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

131. Plaintiff George P. Theoharis realleges Paragraphs 1 through 28 as Paragraph 131 of Count XXXV.

132. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1367.

133. This count arises from the violation of the IWPCA for Defendants' failure and refusal

to pay Plaintiff George P. Theoharis for all time worked at the rate agreed to by the parties.

134. Defendants did not compensate Plaintiff George P. Theoharis for all hours worked.

135. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

136. Defendants' failure to compensate Plaintiff George P. Theoharis for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff George P. Theoharis prays that this Court grant him the following relief under Count XXXV: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

COUNT XXXVI – IWPCA – IOANNIS PETROU
(Defendants' Failure to Pay Full Minimum Wage and Overtime)

137. Plaintiff Ioannis Petrou realleges Paragraphs 1 through 28 as Paragraph 137 of Count XXXVI.

138. This Court has supplemental jurisdiction over the matters alleged herein pursuant to the 28 USC § 1337.

139. This count arises from the violation of the IWPCA for Defendants' failure and refusal to pay Plaintiff Ioannis Petrou for all time worked at the rate agreed to by the parties.

140. Defendants did not compensate Plaintiff Ioannis Petrou for all hours worked.

141. Plaintiff was entitled to be compensated at the rate agreed to by the parties.

142. Defendants' failure to compensate Plaintiff Ioannis Petrou for all time worked at the rate agreed upon by the parties violated the IWPCA.

WHEREFORE, Plaintiff Ioannis Petrou prays that this Court grant him the following relief under Count XXXVI: (a) award him the amount of regular time and overtime wages owed him plus 2% per month penalty on those amounts; (b) award him his attorney's fees and costs; and (c) grant whatever further relief this Court deems equitable and just.

Respectfully submitted,

**ANGEL ALVAREZ, ALEXANDROS
GIAVRIDIS, THEMISTOKLIS
MARMARAS, JOSE L. ROLDAN,
THEOHARIS SPARTIATIS, GEORGE P.
THEOHARIS and IOANNIS PETROU**

/s/ James X. Bormes
One of Plaintiffs' attorneys

James X. Bormes
Law Offices of James X. Bormes, P.C.
8 South Michigan Avenue
Suite 2600
Chicago, IL 60603
(312) 201-0575
Fax: (312) 332-0600
#6202568

Jeffrey Grant Brown
Converse & Brown, LLC
105 West Adams Street
Suite 3000
Chicago, Illinois 60603
(312) 789-9700
(312) 422-0595
#6194262